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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,102	08/04/2003	Takayuki Nakagawa	450100-04697	5862

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EXAMINER

FINDLEY, CHRISTOPHER G

ART UNIT	PAPER NUMBER
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2621

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/634,102	Applicant(s) NAKAGAWA ET AL.	
	Examiner Christopher Findley	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. **Claims 17 and 18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

Independent claim 17 recites "A computer program written in computer readable form for reproduction controlling, said program having program codes for causing a computer to execute the steps of..." and independent claim 18 recites "A computer program product for reproduction controlling, said computer program product embodied in a computer readable storage medium and comprising computer readable program codes for causing a computer to execute the steps of..." which fail to meet the statutory requirement set forth in the Interim Guidelines, Annex IV (a):

**(a) Functional Descriptive Material: "Data Structures" Representing
Descriptive Material Per Se or Computer Programs Representing
Computer Listings Per Se**

Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer.

The program has to be embodied in a computer readable medium. Claim 17 fails to recite this aspect.

Claim 17 should recite "A computer readable medium stored thereon a computer program written in computer readable form for reproduction controlling, said program having program codes for causing a computer to execute the steps of..."

Claim 18 should be rewritten to claim the computer readable medium containing the computer program, not the program itself which happens to be written on a computer readable medium.

Appropriate correction is required.

3. If the applicant amends claim 17 to comply with 35 U.S.C. 101, the applicant is advised that should claim 17 be found allowable, claim 18 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. **Claims 1-18 are rejected under 35 U.S.C. 102(a) as being anticipated by Kawamura et al. (US 20020044757 A1).**

Re claim 1, Kawamura discloses a reproduction controlling apparatus (Kawamura: paragraph [0169]) comprising: auxiliary information generation means for generating auxiliary information based on a first event notice related to reproduction operation regarding content recorded in a recording medium (Kawamura: paragraph [0176], entry points) and a second event notice indicating reproduction position information of said recording medium (Kawamura: paragraph [0190], "sector currently reproduced"); comparison-computation means for comparing or computing reproduction position information indicated by said auxiliary information with reproduction position information indicated by said second event notice (Kawamura: paragraph [0190]); and command issuing means for issuing a command for controlling reproduction operation of said content, based on a result of said comparison or said computation (Kawamura: paragraph [0190]).

Re claim 2, Kawamura discloses information storage means for storing auxiliary information generated by said auxiliary information generation means (Kawamura: paragraph [0176], entry point storing unit 2122); wherein said comparison-computation means performs comparison or calculation by utilizing reproduction position information indicated by auxiliary information read out from said information storage means (Kawamura: paragraph [0190], "controller 2120 compares the sector address of the sector currently reproduced from the drive control circuit 2106 to the sector address stored in entry point storing unit 2122").

Re claim 3, Kawamura discloses that the first event notice comprises notice of start of reproduction of a content block constituting said content (Kawamura: paragraph

[0174]); and said auxiliary information generation means generates said auxiliary information based on a content block to be reproduced and reproduction position information at an event of reproduction of such content block (Kawamura: paragraph [0176]).

Re claim 4, Kawamura discloses that the command issuing means changes a content block to be reproduced if it is determined based on a result of comparison or computation by said comparison-computation means that there is a time lapse between reproduction position information indicated by said second event notice and reproduction position information indicated by said auxiliary information (Kawamura: paragraph [0190], the end point designates a specific time lapse after the entry point).

Re claim 5, Kawamura discloses that if there is an issuing operation for a command for controlling reproduction of said content, said command issuing means issues said issued command by converting or adjusting said issued command based on a result of comparison or computation by said comparison-computation means (Kawamura: paragraphs [0196]-[0197]).

Re claim 6, Kawamura discloses that said first event notice comprises notice of start of reproduction of a content block constituting said content (Kawamura: paragraph [0174]); and said auxiliary information generation means generates said auxiliary information based on a content block to reproduced and reproduction position information at an event of reproduction of such content block (Kawamura: paragraph [0176]).

Re claim 7, Kawamura discloses that said command issuing means changes a content block to be reproduced if it is determined based on a result of comparison or computation by said comparison-computation means that there is a time lapse between reproduction position information indicated by said second event notice and reproduction position information indicated by said auxiliary information (Kawamura: paragraph [0190], the end point designates a specific time lapse after the entry point).

Re claim 8, Kawamura discloses that if there is an issuing operation for a command for controlling reproduction of said content, said command issuing means issues said issued command by converting or adjusting said issued command based on a result of comparison or computation by said comparison-computation means (Kawamura: paragraphs [0196]-[0197]).

Claim 9 is the corresponding reproduction controlling method implemented by the reproduction controlling apparatus of claim 1. Therefore, claim 9 has been analyzed and rejected with respect to claim 1 above.

Claim 10 has been analyzed and rejected with respect to claim 2 above.

Claim 11 has been analyzed and rejected with respect to claim 3 above.

Claim 12 has been analyzed and rejected with respect to claim 4 above.

Claim 13 has been analyzed and rejected with respect to claim 5 above.

Claim 14 has been analyzed and rejected with respect to claim 6 above.

Claim 15 has been analyzed and rejected with respect to claim 7 above.

Claim 16 has been analyzed and rejected with respect to claim 8 above.

Claims 17 and 18 are the corresponding computer readable media containing computer executable programs for causing a computer to implement the method of claim 9. Therefore, claims 17 and 18 have been analyzed and rejected with respect to claim 9 above.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a. Data reproduction apparatus and reproduction method
Ichikawa et al. (US 6959141 B1)
- b. Transport stream processing device, and associated methodology of
generating and aligning source data packets in a physical data structure
Kato (US 7106946 B1)
- c. Method and apparatus for compensating reproduced audio signals of an
optical disc
Cho (US 20020110366 A1)
- d. Information recording medium, apparatus and method for
recording/reproducing information to/from the medium
Kawasaki et al. (US 20020131761 A1)

- e. Reproducing apparatus and reproducing/recording apparatus memorizing identification information of optical information media and method thereof
Sakuramoto (US 20020126992 A1)
- f. Fast forward trick mode and reverse trick mode using an information file
Lin et al. (US 20030077071 A1)
- g. Information record medium and apparatus for reproducing information according to navigation information
Moriyama et al. (US 7095951 B2)

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Findley whose telephone number is (571) 270-1199. The examiner can normally be reached on Monday-Friday 7:30am-5pm, Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher Findley/


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